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To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**From:** Kristofer E. Elbing**Fax:** 571-273-8300**Pages:** 6 (including this sheet)**Phone:****Date:** April 2, 2008**Re:** Serial No.: 10/776,029**Our ref:** S0001-002004☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

Attached is a communication regarding the information disclosure statement for serial no. 10/776,029.

THIS FACSIMILE TRANSMISSION IS INTENDED ONLY FOR THE ADDRESSEE(S) SHOWN ABOVE. IT MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, OR OTHERWISE PROTECTED FROM DISCLOSURE. ANY REVIEW, DISSEMINATION, OR USE OF THIS FACSIMILE OR ITS CONTENTS BY PERSONS OTHER THAN THE ADDRESSEE(S) IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY BY TELEPHONE AT (508) 358 2590.

APR 02 2008

Attorney Docket No. D0001-003001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: E. Neil Lewis et al. Examiner: Tony Ko
Serial No.: 10/776,029 Art Unit: 2878
Filed: February 10, 2004
Title: HIGH-VOLUME ON-LINE SPECTROSCOPIC COMPOSITION TESTING OF
MANUFACTURED PHARMACEUTICAL DOSAGE UNITS

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8(a)

The undersigned hereby certifies that this document is being transmitted by facsimile to the U.S. Patent and Trademark Office, in accordance with 37 C.F.R. § 1.6(d), on April 2, 2008.


Kristofer E. Elbing, Registration No. 34,590

Commissioner for Patents
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Alexandria, VA 22313-1450

COMMUNICATION REGARDING INFORMATION DISCLOSURE STATEMENT

An Information Disclosure Statement was filed for this application on July 9, 2007. This filing was timely, and all of the documents that were considered in the parent of this application, US Patent No. 6,690,464, were properly referenced as provided for in MPEP 609.02. That no additional copies were supplied by applicant is therefore not a sufficient reason to refuse consideration of the Information Disclosure Statement. Upon request, applicant would be willing to provide copies of any documents that have been lost from the parent file.

The Information Disclosure Statement and the first page of the modified PTO-1449 form each included a heading indicating that they were part of an Information Disclosure Statement, and a clear heading that referenced the first page was provided at the top of pages two and three of the PTO-1449 form. This heading clearly associates pages two and three with the first page of the PTO-1449 form and is therefore a sufficient heading to identify the pages as being part of an Information Disclosure Statement.

The only substantive treatment of the nature of the Information Disclosure Statement heading provided in the MPEP is in the suggested rejection paragraph in MPEP 609.05(b), and this paragraph only covers the situation when an Information Disclosure Statement list is not identified with a heading at all. It does not indicate that any particular heading format is required for each page of an Information Disclosure Statement. Applicant's headings were therefore more than adequate to satisfy the rejection criteria found in MPEP 609.05(b).

The headings provided by applicant were also sufficient for their purpose in this particular instance. Specifically, the purpose of the heading is to reduce handling errors, as indicated in MPEP 609.04(a). But it is clear from the Notice of Allowability that no such handling error occurred and that there was no question by the office that pages two and three were part of applicant's Information Disclosure Statement.

Applicant respectfully requests an acknowledgment of consideration of the documents in the Information Disclosure Statement mailed July 9, 2007. A modified PTO-1449 form is attached for this purpose.

Please apply any charges or credits to Deposit Account No. 50-0750.

Respectfully submitted,

Dated

April 2, 2008

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